



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

53184 7590 02/23/2009

i2 TECHNOLOGIES US, INC.  
ONE i2 PLACE, 11701 LUNA ROAD  
DALLAS, TX 75234

EXAMINER

JOHNSON, GREGORY L

ART UNIT

PAPER NUMBER

3691

DATE MAILED: 02/23/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/945,296

08/31/2001

Manoel Tenorio

020431.0955

2038

TITLE OF INVENTION: SYSTEM AND METHOD FOR DYNAMIC PRICING IN AN UNBALANCED MARKET

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	05/26/2009

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

53184 7590 02/23/2009

**i2 TECHNOLOGIES US, INC.**  
**ONE i2 PLACE, 11701 LUNA ROAD**  
**DALLAS, TX 75234**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,296	08/31/2001	Manoel Tenorio	020431.0955	2038

**TITLE OF INVENTION: SYSTEM AND METHOD FOR DYNAMIC PRICING IN AN UNBALANCED MARKET**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	05/26/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
JOHNSON, GREGORY L	3691	705-037000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

**NOTE:** The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,296	08/31/2001	Manoel Tenorio	020431.0955	2038
53184	7590	02/23/2009	EXAMINER	
i2 TECHNOLOGIES US, INC. ONE i2 PLACE, 11701 LUNA ROAD DALLAS, TX 75234			JOHNSON, GREGORY L	
			ART UNIT	PAPER NUMBER
			3691	
DATE MAILED: 02/23/2009				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1488 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1488 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/945,296	TENORIO, MANOEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	GREGORY JOHNSON	3691	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/19/2008.
2. ☒ The allowed claim(s) is/are 1-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                       | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                              | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material        | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other ____.   |

/Hani M. Kazimi/  
Primary Examiner, Art Unit 3691

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven J. Laureanti on October 22, 2008.

The application has been amended as follows:

1. (Previously Presented) An electronic marketplace for dynamic pricing in an unbalanced market, the electronic marketplace comprising:

a first side of the unbalanced market comprising a plurality of market participant user computers coupled with the electronic marketplace;

a second side of the unbalanced market comprising a plurality of market participant user computers coupled with the electronic marketplace, each market participant user computer associated with the first side of the unbalanced market having a larger market capacity than each market participant user computer associated with a second side of the unbalanced market and each market participant user computer associated with the second side of the unbalanced market having a smaller-capacity than each market participant user computer associated with the first side of the unbalanced market;

one or more computers collectively supporting the unbalanced market, the one or more computers collectively configured to:

receive offers from the one or more market participant user computers that is associated with the first side of the unbalanced market and from the one or more market participant user computers that is associated with the second side of the unbalanced market, each offer comprising at least an offered price and an offered quantity;

prioritize among any offers associated with the first side of the unbalanced market that comprise equal offered prices and among any offers associated with the second side of the unbalanced market that comprise equal offered prices according to a predetermined prioritization scheme, the prioritization among such equally priced offers determining the order in which they are matched with other offers;

match a first offer associated with the first side of the unbalanced market with a second offer associated with the second side of the unbalanced market according to a relationship between a first offered price associated with the first offer and a second offered price associated with the second offer; and

determine a strike price for the match between the first offer and the second offer based on the relationship between the first and second offered prices.

2. (Previously Presented) The electronic marketplace of Claim 1, wherein:

the first side of the unbalanced market comprises a bid side, the one or more market participant user computers that are associated with the first side of the

unbalanced market comprise buyers, and the offers associated with the first side of the unbalanced market comprise bids; and

the second side of the unbalanced market comprises an ask side, the one or more market participant user computers that are associated with the second side of the unbalanced market comprise sellers, and the offers associated with the second side of the unbalanced market comprise asks.

3. (Previously Presented) The electronic marketplace of Claim 1, wherein the first side of the unbalanced market is sealed such that offered prices and offered quantities of offers associated with the first side of the unbalanced market are inaccessible to one or more market participant user computers.

4. (Previously Presented) The electronic marketplace of Claim 1, wherein the second side of the unbalanced market is open such that offered prices of offers associated with the second side of the unbalanced market are accessible to one or more market participant user computers.

5. (Previously Presented) The electronic marketplace of Claim 1, wherein the equally priced offers are prioritized according to the order in which they are received, an earlier-received offer being given a higher priority than a later-received offer having an equal offered price.

6. (Previously Presented) The electronic marketplace of Claim 1, wherein: the relationship between the first and second offers comprises the first and second offered prices being equal to each other; and the strike price for the match between the first and second offers is equal to the first and second offered prices.

7. (Previously Presented) The electronic marketplace of Claim 1, wherein: the relationship between the first and second offers comprises the first offered price being different from the second offered price; and the strike price for the match between the first and second offers comprises a price between the first and second offered prices.

8. (Previously Presented) The electronic marketplace of Claim 7, wherein the first offered price is greater than the second offered price and the strike price for the match between the first and second offers comprises the second offered price plus a predetermined fraction of the price difference between the first and second offered prices.

9. (Previously Presented) The electronic marketplace of Claim 1, wherein a partial depletion of an offered quantity due to one or more matches is inaccessible to one or more market participant user computers.

10. (Previously Presented) The electronic marketplace of Claim 1, wherein the one or more computers are further configured to remove an offer from the second side of the



unbalanced market without giving one or more market participant user computers any indication whether the offer was removed due to the occurrence of a match between the offer and another offer or due to the cancellation of the offer.

11. (Previously Presented) A computer-implemented method for providing dynamic pricing in an unbalanced market, comprising:

- providing a first side of the unbalanced market comprising a plurality of market participant user computers coupled with an electronic marketplace;

- providing a second side of the unbalanced market comprising a plurality of market participant user computers coupled with the electronic marketplace, each market participant user computer associated with the first side of the unbalanced market having a larger market capacity than each market participant user computer associated with a second side of the unbalanced market and each market participant user computer associated with the second side of the unbalanced market having a smaller-capacity than each market participant user computer associated with the first side of the unbalanced market;

- receiving offers from the one or more market participant user computers that is associated with the first side of the unbalanced market and from the one or more market participant user computers that is associated with the second side of the unbalanced market, each offer comprising at least an offered price and an offered quantity;

- prioritizing among any offers associated with the first side of the unbalanced market that comprise equal offered prices and among any offers associated with the

second side of the unbalanced market that comprise equal offered prices according to a predetermined prioritization scheme, the prioritization among such equally priced offers determining the order in which they are matched with other offers;

matching a first offer associated with the first side of the unbalanced market with a second offer associated with the second side of the unbalanced market according to a relationship between a first offered price associated with the first offer and a second offered price associated with the second offer; and

determining a strike price for the match between the first offer and the second offer based on the relationship between the first and second offered prices.

12. (Previously Presented) The method of Claim 11, wherein:

the first side of the unbalanced market comprises a bid side, the one or more market participant user computers that are associated with the first side of the unbalanced market comprise buyers, and the offers associated with the first side of the unbalanced market comprise bids; and

the second side of the unbalanced market comprises an ask side, the one or more market participant user computers that are associated with the second side of the unbalanced market comprise sellers, and the offers associated with the second side of the unbalanced market comprise asks.

13. (Previously Presented) The method of Claim 11, wherein the first side of the unbalanced market is sealed such that offered prices and offered quantities of offers

Art Unit: 3691

associated with the first side of the unbalanced market are inaccessible to one or more market participant user computers.

14. (Previously Presented) The method of Claim 11, wherein the second side of the unbalanced market is open such that offered prices of offers associated with the second side of the unbalanced market are accessible to one or more market participant user computers.

15. (Previously Presented) The method of Claim 11, wherein the equally priced offers are prioritized according to the order in which they are received, an earlier-received offer being given a higher priority than a later-received offer having an equal offered price.

16. (Previously Presented) The method of Claim 11, wherein: the relationship between the first and second offers comprises the first and second offered prices being equal to each other; and the strike price for the match between the first and second offers is equal to the first and second offered prices.

17. (Previously Presented) The method of Claim 11, wherein: the relationship between the first and second offers comprises the first offered price being different from the second offered price; and the strike price for the match between the first and second offers comprises a price between the first and second offered prices.

18. (Previously Presented) The method of Claim 17, wherein the first offered price is greater than the second offered price and the strike price for the match between the first and second offers comprises the second offered price plus a predetermined fraction of the price difference between the first and second offered prices.

19. (Previously Presented) The method of Claim 11, wherein a partial depletion of an offered quantity due to one or more matches is inaccessible to one or more market participant user computers.

20. (Previously Presented) The method of Claim 11, further comprising removing an offer from the second side of the unbalanced market without giving one or more market participant user computers any indication whether the offer was removed due to the occurrence of a match between the offer and another offer or due to the cancellation of the offer.

21. (Currently Amended) A computer-readable ~~storage~~ medium embodied with software enabling dynamic pricing in an unbalanced market, the software when executed using one or more computers ~~is operable to~~ [[:]], the one or more computers:

receive offers from one or more market participant user computers associated with a first side of the unbalanced market and from one or more market participant user

computers associated with a second side of the unbalanced market, each offer comprising at least an offered price and an offered quantity;

prioritize among any offers associated with the first side of the unbalanced market that comprise equal offered prices and among any offers associated with the second side of the unbalanced market that comprise equal offered prices according to a predetermined prioritization scheme, the prioritization among such equally priced offers determining the order in which they are matched with other offers;

match a first offer associated with the first side of the unbalanced market with a second offer associated with the second side of the unbalanced market according to a relationship between a first offered price associated with the first offer and a second offered price associated with the second offer; and determine a strike price for the match between the first offer and the second offer based on the relationship between the first and second offered prices.

22. (Currently Amended) ~~The software~~ The computer-readable medium of Claim 21, wherein:

the first side of the unbalanced market comprises a bid side, the one or more market participant user computers that are associated with the first side of the unbalanced market comprise buyers, and the offers associated with the first side of the unbalanced market comprise bids; and

the second side of the unbalanced market comprises an ask side, the one or more market participant user computers that are associated with the second side of the

Art Unit: 3691

unbalanced market comprise sellers, and the offers associated with the second side of the unbalanced market comprise asks.

23. (Previously Presented) The computer-readable medium of Claim 21, wherein the first side of the unbalanced market is sealed such that offered prices and offered quantities of offers associated with the first side of the unbalanced market are inaccessible to one or more market participant user computers.

24. (Previously Presented) The computer-readable medium of Claim 21, wherein the second side of the unbalanced market is open such that offered prices of offers associated with the second side of the unbalanced market are accessible to one or more market participant user computers.

25. (Previously Presented) The computer-readable medium of Claim 21, wherein the equally priced offers are prioritized according to the order in which they are received, an earlier-received offer being given a higher priority than a later-received offer having an equal offered price.

26. (Previously Presented) The computer-readable medium of Claim 21, wherein:  
the relationship between the first and second offers comprises the first and second offered prices being equal to each other; and

the strike price for the match between the first and second offers is equal to the first and second offered prices.

27. (Previously Presented) The computer-readable medium of Claim 21, wherein:

the relationship between the first and second offers comprises the first offered price being different from the second offered price; and

the strike price for the match between the first and second offers comprises a price between the first and second offered prices.

28. (Previously Presented) The computer-readable medium of Claim 27, wherein the first offered price is greater than the second offered price and the strike price for the match between the first and second offers comprises the second offered price plus a predetermined fraction of the price difference between the first and second offered prices.

29. (Previously Presented) The computer-readable medium of Claim 21, wherein a partial depletion of an offered quantity due to one or more matches is inaccessible to all of one or more market participant user computers.

30. (Previously Presented) The computer-readable medium of Claim 21, wherein the software is further operable to remove an offer from the second side of the unbalanced market without giving one or more market participant user computers any indication

whether the offer was removed due to the occurrence of a match between the offer and another offer or due to the cancellation of the offer.

31. (Previously Presented) A system for providing dynamic pricing in an unbalanced market, the system comprising:

- means for providing a first side of the unbalanced market comprising a plurality of market participant user computers coupled with an electronic marketplace;

- means for providing a second side of the unbalanced market comprising a plurality of market participant user computers coupled with the electronic marketplace, each market participant user computer associated with the first side of the unbalanced market having a larger market capacity than each market participant user computer associated with a second side of the unbalanced market and each market participant user computer associated with the second side of the unbalanced market having a smaller-capacity than each market participant user computer associated with the first side of the unbalanced market;

- means for receiving offers from the one or more market participant user computers that is associated with the first side of the unbalanced market and from the one or more market participant user computers that is associated with the second side of the unbalanced market, each offer comprising at least an offered price and an offered quantity;

- means for prioritizing among any offers associated with the first side of the unbalanced market that comprise equal offered prices and among any offers associated



Art Unit: 3691

with the second side of the unbalanced market that comprise equal offered prices according to a predetermined prioritization scheme, the prioritization among such equally priced offers determining the order in which they are matched with other offers;

means for matching a first offer associated with the first side of the unbalanced market with a second offer associated with the second side of the unbalanced market according to a relationship between a first offered price associated with the first offer and a second offered price associated with the second offer; and

means for determining a strike price for the match between the first offer and the second offer based on the relationship between the first and second offered prices.

32. (Previously Presented) An electronic marketplace for dynamic pricing in an unbalanced market, the electronic marketplace comprising:

a bid side of the unbalanced market comprising a plurality of buyers coupled with the electronic marketplace;

an ask side of the unbalanced market comprising a plurality of sellers coupled with the electronic marketplace, each buyer associated with the bid side of the unbalanced market having a larger market capacity than each seller associated with a ask side of the unbalanced market and each seller associated with the ask side of the unbalanced market having a smaller-capacity than each buyer associated with the bid side of the unbalanced market;

one or more computers collectively supporting the unbalanced market, the one or more computers collectively configured to:

Art Unit: 3691

receive bids from one or more buyers and asks from one or more sellers, each bid comprising at least a bid price and a bid quantity, each ask comprising at least an ask price and an ask quantity;

prioritize among any bids that comprise equal bid prices and among any asks that comprise equal ask prices according to the order in which they are received, an earlier-received bid or ask being given a higher priority than a later-received bid or ask having a equal bid or ask price, higher priority bids or asks being matched with asks or bids before lower-priority bids or asks are matched with asks or bids;

match a bid with an ask according to a relationship between a corresponding bid price and a corresponding ask price;

determine a strike price for the match between the bid and the ask based on the relationship between the corresponding bid and ask prices;

if the corresponding ask quantity is fully depleted due to the ask being matched with the bid, remove the ask from the market without giving one or more buyers or one or more sellers any indication whether the ask was removed due to the ask being matched with the bid or due to a cancellation of the ask; and

if the corresponding ask quantity is only partially depleted due to the ask being matched with the bid, reduce the corresponding ask quantity in accordance with the partial depletion without giving one or more buyers or one or more sellers any indication that the corresponding ask quantity was reduced.

***Allowable Subject Matter***

2. Claims 1-32 are allowed.

The following is an examiner's statement of reasons for allowance:

The closest prior art of record, Heimermann et al., Pub. No. 2002/0143692, discloses an electronic marketplace for dynamic pricing in an unbalanced market, the electronic marketplace (Abstract and ¶0068) comprising:

- a first side of the unbalanced market comprising a plurality of market participants coupled with the electronic marketplace (e.g. requisiteness; ¶0158-0159);
- a second side of the unbalanced market comprising a plurality of market participants coupled with the electronic marketplace (e.g. suppliers; ¶0070, ¶0160-0161, ¶0165 and ¶0279-0280),
- each market participant associated with the first side of the unbalanced market having a larger market capacity than each market participant associated with a second side of the unbalanced market and each market participant associated with the second side of the unbalanced market having a smaller-capacity than each market participant associated with the first side of the unbalanced market (e.g. consortium vs. individual suppliers; ¶0080, ¶0161 and ¶0165);

Art Unit: 3691

- one or more computers collectively supporting the unbalanced market (¶0068, ¶0070 and ¶0159), the one or more computers collectively operable to:
- receive offers from one or more market participants associated with the first side of the unbalanced market and from one or more market participants associated with the second side of the unbalanced market (¶0161).

Neither Heimermann or any other prior art of record, alone or in combination with Heimermann discloses or teaches the above limitations, in addition to the following limitations:

- each offer comprising at least an offered price and an offered quantity;
- prioritize among any offers associated with the first side of the unbalanced market that comprise equal offered prices and among any offers associated with the second side of the unbalanced market that comprise equal offered prices according to a predetermined prioritization scheme, the prioritization among such equally priced offers determining the order in which they are matched with other offers;
- match a first offer associated with the first side of the unbalanced market with a second offer associated with the second side of the unbalanced market according to a relationship between a first offered price associated with the first offer and a second offered price associated with the second offer; and

- determine a strike price for the match between the first offer and the second offer based on the relationship between the first and second offered prices.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

**3.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- (a) Huberman Pat No. 6,078,906: "... in a sealed-bid second-price auction, no bidder knows the value of any bid other than its own..." (col. 10, lines 40-41).
- (b) Rackson et al. Pat. No. 6,415,270: "If more than one bid is detected with the same bid value such that a tie occurs, a priority scheme is used to determine which bid is the optimal bid." (col. 13, lines 8-15).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY JOHNSON whose telephone number is (571)272-2025. The examiner can normally be reached on Monday - Friday, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ALEXANDER KALINOWSKI can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GREGORY JOHNSON  
Examiner, Art Unit 3691

/Hani M. Kazimi/  
Primary Examiner, Art Unit 3691